G. R. S. 59]

GENERAL AND REVENUE SECRETARIAT.

1910

(Court)

File No. 163-10

Serial Nos. 1-6

Papers Filed.

Month May - 11

SUBJECT.

Alleged mismanagement of the estate of
the B. Mallappa son of Basappa.

PREVIOUS REFERENCES	LATER REFERENCES.
Oh 91-09 Oh 94-06	ch 99-12.

G.R.S. 11] 190-11

GENERAL AND REVENUE SECRETARIAT

(Courts.)

NOTES.

Cts File No. 163-10.

FILE HEADING.

Alleged mismanagement of the estate belonging to one B. Mallappa, minor son of Basappa.

From The Private Secretary to H.H. the Maharaja.

No. 1933 Dated 3-1-11 Received 4-1-11.

Diary No. J 1719 Enclos. 1+1 file Spare Copies Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards for disposal a petition from one B. Mallappa, praying for payment to him of a sum of Rs 36000/- of which he is a loser owing to an alleged irregularity of the District Court, Bangalore Division.

NOTES AND ORDERS.

Similar petitions addressed to the Dewan and the two Councillors are also put up.

2. Dewan's remarks on the petition addressed to him: "Is there anything that we can do? Submit through 2nd Councillor" (Intd) T.A.R. 30-12-1910.

GPB—15,000—24-4-09

G. R. S. 12]
General and Revenue
Secretariat.

Cts File No. 163 of 1910-11.

Serial No.	
3	3 2nd Councillor's orders "I do not see what can be done in such a ~~case~~ matter. Submit to the Dewan and then give an endorsement that petitioner should proceed by applying to the proper authori according to law." (Intd) H.V.N. 30.12.1
2	From the Registrar, Chief Court No 3048/196 of 5.1.1911. Forwards a copy of the notice issued by Mallappa, intimating his intention to file a suit for the aforesaid amount of Rs 36000/- and states that a further report will follow as soon as the facts are ascertained.
	4 Subd. The further report promised may perhaps be awaited. Subd for orders with a draft. HCS (22) 11-1-11
	SN (11) 11-1-11 5 Even assuming that the District Court did not take sufficient care in the protection of the minor's Estate it is difficult to see how any liability can be enforced either against the judges of that Court or

Rs [illegible] by the Dewan [illegible]
[illegible]

Serial No.

against the Govt. The proper person to proceed against – if it is worth taking legal proceeding – is the actual manager who was appointed by the Court. A Judge acting judicially is protected from all liability even though he might have discharged his duties in a manner not quite in conformity with the law. It is enough if he has had jurisdiction in the matter.

6 Issue draft and then submit the file again (marked urgent)

13/1/11 Sd/

Issue

13/1/11

Cts f. perusal.

SN 18/1

3 To the Registrar, Chief Court.

No. J 2046 of 13.1.1911.

Forwards a copy of the petition addressed to Govt. and states that the further report promised by the Chief Court is awaited.

7 Issued and resubd.

HCS (122)
18.1.11.

SN (111).
18/1/11

8 We may await the further report

Sd/ 19/1/11

9 Sec. 19/1

2nd Cr for perusal in the mean while

1309.

Seen
20/1/11

Sd/ 21/1/11

CM
20/1

Sd/ 20/1/11

Note–Contn. sheet.

Serial No.

intimating ~~[illegible]~~ thereby that he will file a civil suit. We may perhaps await its institution as there is little chance of his succeeding.

13 In the meanwhile we may request the Govt Advocate to study the papers thoroughly (after seeing the original records if necessary) and furnish Govt with his opinion.

14 The file may be forwarded U.O.

22/2/11.

15

Secy) Yes

16 Forwarded to the Govt Advocate in Mysore for favour of needful being done and the file returned at an early date

U.O. 731

B. O.
S. Hiriyannaiya
For Secy to Govt.

17 8/3/11. Seen & returned
S. Narayana Rao
G.A.
27-3-11

III/28/3 RM.

U.O. 41.

G. R. S. 12]
General and Revenue
Secretariat.

Ct File No. 163 of 1910-11

6

Serial No.	
	18 Subd for orders. The file may perhaps be kept in "Sus" ~~for~~
	HCS (122) SN (11) 28/3/11
	19 Subd to 2nd C for info.
	SH 28/3/11
1794	20 Seen H 29/3/11
	SH 29/3/11

Sus for 3 months 2/13

~~From B. Mallappa, Mysore [illegible]~~

5 From the Private Secretary to H.H. the Maharaja, No. 2805 d 7-4-1911

Forwards in Continuation of S(1) a petition from B. Mallappa, Mysore, praying for early orders in the matter of his previous petition.

21 Dewans orders: "Please Stir up and expedite" (Sd) T.A.R. 22-4-1911.

22 "Assist Secy, Br. III, Kindly attend to this early, and let me know in what Stage the matter is." (Sd) C.S.B. 24/4/11

Subd for orders.

HCS (122) 25-4-11.

SN (11) 25/4/11

23 We may perhaps issue an endt ~~[illegible]~~ the petitioner as we did in a ~~[illegible]~~

G. [illegible] S. 12]
General and Revenue
Secretariat.

Ct File No. 163 of 1910-11.

Serial
No.

Similar Case from Mysore quite recently viz "that Govt must disclaim all responsibility for acts done ~~by~~ judicially etc" 24

Nothing more can be done

25/4/11 SA

Secy) 25

Please put up draft endt & submit to Dewan through 2nd C with the other file for reference

25/4/11

U)

Early

SA

25/4/11

26

Draft Subd. Courts File No 168-10, (linke below) Contains the endorsement issued in another similar case.

Hes (122)
26-4-11.

SN (11)

26/4/11 SA

11366
28-4-11

2040.

Dewan 2nd C) 27 The draft may be appd. -

26/4/11

NOTE— Contn. sheet.

GPB—50,000—12-8-10

Draft approved by Dewan St 28/4/11
6.5.11 ord.

P.T.

III

See telegram from Dewan received yesterday. Return file to Dewan's office

10/5/14

Don't issue draft

10/5/14

G. R. S. 12]
General and Revenue
Secretariat.

File No. of 19

8

Serial No.

Don't issue draft.
See Secretary's order on the slip attached. Return file to Dewan's Office

S.H.
10/8/11

G.

INDIAN TELEGRAPHS.

NOTICE.

This form must accompany any inquiry made respecting this Telegram.

Br III Atme No 95/11

Charges to pay. Rs.	As.	Office Stamp.
		BANGALORE 9 MY. 11 G. O.

Handed in at (Office of Origin.)	Hour.	Minute.	Service Instructions.	Words.
Ooty Willowbund	9d	-	9	27

TO General Secretary
Mysore Govt
Bangalore

Please withhold issue of endorsement to B Mallappa courts file 163 of 1910 and return file = Matthan =

N. B.—The name of the Sender, if telegraphed, is written after the text.

Gulab Singh & Sons. Printers, Calcutta.

11617
15.5.11

Note—Contn. sheet.

Sub to Under Secy Dewan's office

SN(11)
15/5/11

GPB—50,000—12-8-10

The file is ~~[illegible]~~ returned with a petition addressed by Mallappa to His Highness the Maharaja No 3008 d 5.5.11. The necessary action may be taken & the ~~[illegible]~~ draft ~~need not~~ be withheld
15.5.11.

G. R. S. 12]
General and Revenue
Secretariat.

Cts. File No. 163 of 1910-11

Serial No.

Issue draft. (a copy of the endt may perhaps be sent to Govt Advt also for infn.)

CNG
18/5/11

SB
18/5/11

Ah
20/5

6 To the Petitioner, No. 3217 d/ 23.5.11.

Informs him that Govt must disclaim all responsibility for the effect of orders passed judicially by Judges.

To the Registrar, Chief Court. No. 3218 d/ 23.5.11

" " Govt Advocate No. 3219 d/ 23.5.11

Forwards copies of the above Endorsement

Note—Contn. sheet.

R.N.P. No 1978 4.1.11 / ~~60~~

9 1719

No. 1933 / 1419

OFFICE OF THE PRIVATE SECRETARY TO
H. H. THE MAHARAJA OF MYSORE,

DATED, Bangalore, 3rd January 1911.

Sl. 1

Secy

Vide similar petition disposed [illegible] a few days ago

4/2/11

Petition No. 945 dated 29-12-1910, from Mr. B. Mallappa, C/o R. Vasudevarao, No. 172 Ramavilas Agrahar Mysore, is forwarded with compliments to the Dewan of Mysore, Bangalore, for favour of disposal.

4/1/11

By Order,

I.C.S.,

Private Secretary.

4/1/11

945

To

Colonel, His Highness the Maharaja,
Sri Krishna Rajendra Wadeyar, Bahadur G.C.S.I.
M Y S O R E.

May it please Your Highness,

My father, Bigadanahalli Basappa, who was a resident of Bangalore died on the 11th December 1890, leaving behind him myself and my elder brothers, B.C. Rudrappa Chetty and B.C.Nanjandappa Chetty. As, at the time of my father's death, I was a minor and my father had properties of the value of more than 3 lacs of Rupees, my eldest brother B.C.Rudrappa Chetty, applied to the District Judge, Nandidroog Division, in Mis.No:175 of 91 for a certificate under the Rules relating to the custody and gaurdianship of minors in the province of Mysore, & the said court was pleased to grant him the certificate on the security of his 1/3 share in the family property for the discharge of his duties.

My elder brother B.C.Rudrappa Chetty sold a Coffee Estate, belonging to our family , known as the Merthikhan's Estate for Rs. 1,75,000/- to Messrs. Morgan & Sons, of Mangalore, having obtained the permission of the District Judge, Bangalore, in ~~his~~ Mis No: 119 of 1893 on the file of his Court, and out of the said Rs. 1,75,000/-, my brother Rudrappa Chetty, was paid, in the first instance, Rs. 75,000/- for the purpose as alleged by him for discharging certain family debts. When the purchaser paid the next instalment of Rs. 41,000/-, an application was made by my brother in Mis. No:13 of 94-95 for the payment, to him, the entire amount as he needed it for carrying on business as an Abkari Contractor. The learned Judge ordered that the 1/3 share of the money belonging to me and the 1/3 share belonging to my other brother, Nanjundappa Chetty, who was then a minor, should be invested in the Government Savings Bank. But when an application, in Miss. No: 60 of 94-95, was again made by Rudrappa Chetty for the money ordered by him to be invested in a Savings Bank, the learned Judge was pleased to allow him to receive the 2/3 share of the money belonging to me and my brother, Nanjundappa Chetty, and further ordered to retain the subsequent instalments in the Government Treasury to make good our share. And the subsequent instalments which were paid by the Vendee were retained in Court. When my brother, Nanjundappa came of age in 1896, he received his share of the purchase money from the Court in Mis. No:84 of 96-97. And my share of the purchase money was in Deposit in the Govt. Savings Bank. but in Mis. No: 187 of 96-97, my brother Rudrappa Chetty again made an application praying that my share of money may be paid to him. And before this petition was disposed of, Rudrappa Chetty made another application in Mis. No:239 of 97-98 alleging that he was in need of money to improve a Coffee Estate purchased by him and prayed that the money in question paid to Mr. C. S. Brito, his partner, who also made a similar application in Mis.No:245 of 97-98. Though in Mis.No: 254 of 97-98, my mother, Rudramma, brought, to the notice of the District Judge, the fact that (1) the properties proposed to be hypothecated were not worth even Rs.10,000/-. The District Judge quite recklessly, negligently and without ascertaining the value or condition of the proposed property to be hypothecated or on the status of the man who applied for the loan, and contrary to the terms of the Rules Regulating maintenance and custody of the minor's property, accepted the offer made by Mr.C.S.Cashmir Brito, to hypothecate his ½ share of the Heradike Coffee Estate, Mudagere Taluk, Kadur District, jointly with Rudrappa Chetty and his brother Nanjundappa - Chatty. The District Judge on taking a hypothecation bond dated, 11-1-98 from the aforesaid persons, Viz., Rudrappa Chetty, Nanjundappa Chetty and Mr.C.S.Brito directed Mr. Brito to receive the sum of Rs.36,000/- deposited, as belonging to me, in the Treasury. During my minority my brother Rudrappa Chetty squandered all money recklessly and contracted debts without any necessity whatsoever, for immoral purposes. The security accepted by the District Judge was not of any value at all, as my brother Rudrappa Chetty and

Nanjundappa Chetty had, on 14-12-96, hypothecated all immovable properties belonging to the family for illegal and immoral purposes including the aforesaid Coffee Estate for Rs.50,000/-, in favour of one Baliah Naidu and even after accepting the security of the aforesaid Coffee Estate, the Court took no steps to safeguard my interests by getting an entry made in the Revenue Registers in order that timely notice may be received by it in case there was any default in the payment of Government Revenue.

In O.S. No:5 of 99-1900 on the file of the Hon'ble Chief Court, Balia Naidu filed a suit on his hypothecation bond and during the progress of that case the illegality in the matter of paying the minor's money a sum of Rs.36,000/- to Mr. Brito, it was brought to the notice of that Court that a sum of Rs. 36,000/-, the property of the minor had been illegally and contrary to all the terms mentioned in the minor's rules, given away to Mr.Britto. The then Justice, Mr.Ramachandra Iyer, was pleased to order on 21-3-1900, that the principal and interest payable by Messrs.Britto, Rudrappa and Nanjundappa, should be recovered forthwith from them jointly or severally and that the hypothecated property must be sold. In spite of the above order nothing further was done. In the meantime the whole of the hypothecated property has been sold for arrears of Revenue.

After I attained majority I applied for the payment to ~~him~~ me of the Rs.36,000/-which was in deposit in Mis. No:1 of 07-08, on the file of the Chief Court. The Hon'ble Judge was pleased to order that I may be given the hypothecation bond executed by

6

by Mr. Britto and others. My appeal against the said order in Mis. Appeal No: 33 of 09-10, on the file of the Chief Court has also been rejected.

From the foregoing statement of facts it will be apparent that

(1) the order of the District Judge, giving to Mr. Britto and others, the loan of Rs. 36,000/-, was in defiance of the provisions of Rule 16 of the Minor's Rules;

(2) The Court did not care to inform itself about the previous encumbrances which existed on the hypothecated property or its market value ;

(3) That the Court did not do anything to safeguard the interest of the minor even after getting the hypothecation bond executed;

(4) And that though Mr. Justice Ramachandra-Iyer passed an order on the 21-3-1900 for the recovery of the principal and interest, though the bond had been executed in favour of the Court, no steps were taken to compel them to pay the several instalments;

(5) And that the Court acted without any regard to my interest though it was the custodian of all my property.

Now that the hypothecated property is sold away. The hypothecation bond is quite useless for me and I cannot get any benefit from it. Having no other property to live upon I am now reduced to paparism, though I am the son of one who was possessed of property of large value and who died only about 20 years ago and though my estate was under the management of one who placed himself under the orders of the District Court Bangalore.

Under the above circumstances I am compelled to approach your Highness with this memorial fully believing that Your Highness will take pity on my helpless condition and order repayment of my money entrusted to the care and custody of one of the trusted Servants of Your Highness's Government.

Your Highness's most
obedient humble and loyal servant.

R. Mallappa,
C/O R. Vasudeva Rao,
No.172 Ramavilas Agrahar,
Mysore.

29-12-1910

P. no 2584

Recd 30 Dec 10

Secy [illegible] Ch

Is there anything that we can do? Submit through 2d Councillor

Ch 4/1/11

NTK 4/1/11

To,

T. Ananda Rao, Esq., C.I.E.,

Dewan of Mysore, Bangalore.

Respected Sir,

My father, Bigadanahalli Basappa, who was a resident of Bangalore died on the 11th December, 1890, leaving behind him myself and my elder brothers, B.C.Rudrappa Chetty and B.C. Nanjundappa - Chetty. As, at the time of my father's death, I was a minor and my father had properties of the value of more than 3 lacs of Rupees, my eldest brother, B.C. Rudrappa Chetty, applied to the District Judge, Nandidroog Division, in Mis. No:175 of 91 for a certificate under the Rules relating to the custody and guardianship of minors in the Province of Mysore, & the said court was pleased to grant him the certificate on the security of his 1/3 share in the family property for the discharge of his duties.

My elder brother, B.C.Rudrappa Chetty, sold a Coffee Estate, belonging to our family, known as the Merthikhan's Estate for Rs. 1,75,000/- to Messrs. Morgan & Sons, of Mangalore, having obtained the permission of the District Judge, Bangalore, in his No: 119 of 1893 on the file of his Court, and out of the said Rs. 1,75,000/-, my brother Rudrappa Chetty, was paid, in the first instance, Rs.75,000/- for the purpose as alleged by him for discharging certain family debts. When the purchaser paid the next instalment of Rs. 41,000/-, an application was made by my brother in Mis. No:13 of 94-95 for the payment, to him, the entire amount as he needed it for carrying on business as an Abkari Contractor. The learned Judge ordered that the 1/3 share of the money belonging to me and the 1/3 share belonging to my other brother, Nanjundappa Chetty, who was then a minor, should be invested in the Government Savings Bank. But when an application, in Misc.No: 60 of 94-95, was again made by Rudrappa Chetty for the money ordered by him to be invested in a Savings Bank, the learned Judge was pleased to allow him to receive the 2/3 share of the money belonging to me and my brother, Nanjundappa Chetty, and further ordered to retain the subsequent instalments in the Government Treasury to make good our share. And the subsequent instalments which were paid by the Vendee were retained in Court. When my brother, Nanjundappa came of age in 1896, he received his share of the purchase money from the Court in Mis. No:84 of 96-97. And my share of the purchase money was in Deposit in the Govt. Savings Bank. but in Mis.No: 187 of 96-97, my brother Rudrappa Chetty again made an application praying that my share of money may be paid to him. And before this petition was disposed of, Rudrappa Chetty made another application in Mis. No:239 of 97-98 alleging that he was in need of money to improve a Coffee Estate purchased by him and prayed that the money in question paid to Mr. C. S. Brato, his partner, who also made a similar application in Mis.No:245 of 97-98. Though in Mis.No: 254 of 97-98, my mother, Rudramma, brought, to the notice of the District Judge, the fact that (1) the properties proposed to be hypothecated were not - worth even Rs.10,000/-. The District Judge quite recklessly, negligently and without ascertaining the value or condition of the proposed property to be hypothecated on the status of the man who applied for the loan, and contrary to the terms of the Rule Regulating maintenance and custody of the min property, accepted the offer made by Mr.C.S.Ca Brito, to hypothecate his ½ share of the Heradike Coffee Estate, Mudagere Taluk, Kadur District, jointly with Rudrappa Chetty and his brother Nanjundappa - Chatty. The District Judge on taking a hypothecation bond dated, 11-1-98 from the aforesaid persons, Viz., Rudrappa Chetty, Nanjundappa Chetty and Mr.C.S.Brito directed Mr. Brato to receive the sum of Rs.36,000/- deposited, as bolonging to me, in the Treasury. During my minority my brother Rudrappa Chetty squandered all money recklessly and contracted debts without any necessity whatsoever, for immoral purposes. The security accepted by the District Judge was not of any value at all, as my brother Rudrappa Chetty and

Nanjundappa Chetty had, on 14-12-96, hypothecated all immovable properties belonging to the family for illegal and immoral purposes including the aforesaid Coffee Estate for Rs.50,000/-, in favour of one Baliah Naidu and even after accepting the security of the aforesaid Coffee Estate, the Court took no steps to safeguard my interests by getting an entry made in the Revenue Registers in order that timely notice may be received by it in case there was any default in the payment of Government Revenue.

In O.S. No:5 of 99-1900 on the file of the Hon'ble Chief Court, Balia Naidu filed a suit on his hypothecation bond and during the progress of that case the illegality in the matter of paying the minor's money a sum of Rs.36,000/- to Mr. Brito, it was brought to the notice of that Court that a sum of Rs. 36,000/-, the property of the minor had been illegally and contrary to all the terms mentioned in the minor's rules, given away to Mr.Britto. The then Justice, Mr.Ramachandra Iyer, was pleased to order on 21-3-1900, that the principal and interest payable by Messrs.Britto, Rudrappa and Nanjundappa, should be recovered forthwith from them jointly or severally and that the hypothecated property must be sold. In spite of the above order nothing further was done. In the meantime the whole of the hypothecated property has been sold for arrears of Revenue.

After I attained majority I applied for the payment to me of the Rs.36,000/-which was in deposit in Mis. No:1 of 07-08, on the file of the Chief Court. The Hon'ble Judge was pleased to order that I may be given the hypothecation bond executed

by

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by Mr. Britto and others. My appeal against the said order in Mis. Appeal No: 33 of 09-10, on the file of the Chief Court has also been rejected.

From the foregoing statement of facts it will be apparent that

(1) the order of the District Judge, giving to Mr. Britto and others, the loan of Rs. 36,000/-, was in defiance of the provisions of Rule 16 of the Minor's Rules;

(2) The Court did not care to inform itself about the previous encumbrances which existed on the hypothecated property or its market value ;

(3) That the Court did not do anything to safeguard the interest of the minor even after getting the hypothecation bond executed;

(4) And that though Mr. Justice Ramachandra-Iyer passed an order on the 21-3-1900 for the recovery of the principal and interest, though the bond had been executed in favour of the Court, no steps were taken to compel them to pay the several instalments;

(5) And that the Court acted without any regard to my interest though it was the custodian of all my property.

Now that the hypothecated property is sold away. The hypothecation bond is quite useless for me and I cannot get any benefit from it. Having no other property to live upon I am now reduced to paparism, though I am the son of one who was possess-

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possessed of property of lagge value and who died only abou 20 years ago and though my estate was under the management of one who placed himself under the orders of the District Court Bangalore.

Under the above circumstances I am compelled to approac your respected sir, with the memorial fully believing that your honor will take pity on my helpless condition and orde repayment of my money entrusted to the care and custody of one of the Trusted Servants of the Government of His Highness the Maharaja of Mysore.

Your obedient servant

బి. మల్లప్పనరాజు

B. Mallappa

C/O R. Vasudeva Rao,

No.178 Ranavilas Agrahar,

Mysore.

29-12-1910

CS
J1719

1a

I do not see what can be done in such a matter. Submit to the Dewan & then give an endorsement that petr. should proceed by applying to the proper authority acc. to law.

30/12/10

III

CN 3/1/11

NR 4/1

H.V.Nanjundayya, Esq.,M.A.,M.L.,
2nd Councillor, Bangalore.

Respected Sir,

My father, Bisalehalli [illegible], who was a resident of Bangalore died on the [illegible], [illegible], leaving behind himself and my elder brothers, S.C. [illegible] Chetty and S.C. [illegible] Chetty. As at the time of my father's death, I was a minor and my father had properties of the value of more than 2 lacs of Rupees, my eldest brother, S.C. [illegible] Chetty, applied to the District Judge, [illegible] Division, in No. [illegible] of [illegible] for a certificate under the [illegible] relating to the custody and guardianship of minors in the Province of Mysore, the said court was pleased to grant him the certificate on the security of his 1/3 share in the family property for the discharge of his duties.

My elder brother, S.C. [illegible] Chetty, [illegible] to our family, [illegible] the [illegible] for Rs. 1,76,000/- to Messrs. [illegible], of Bangalore, having obtained the sanction of the District Judge, Bangalore, in his No: 110 of 1[illegible] on the file of his Court, and out of the said Rs. 1,76,000/-, my brother Audreppa Chetty, was paid, in the first instance, Rs.76,000/- for the purpose alleged by him for discharging certain family debts. When the purchaser paid the next instalment of Rs. 61,000/-, an application was made by my brother in Mis. No:15 of 95-96 for the payment, to him, the entire amount as he needed it for carrying on business as an Abkari Contractor. The learned Judge ordered that the 1/3 share of the money belonging to me and the 1/3 share belonging to my other brother, Nanjundappa Chetty, who was then a minor, should be invested in the Government Savings Bank. But then an application, in Mis. No: [illegible] of 96-97, was again made by Audreppa Chetty for the money ordered by him to be invested in the Savings Bank, the learned Judge was pleased to allow him to receive the 1/3 share of the money belonging to me and my brother, Nanjundappa Chetty, and further ordered to put in the subsequent instalments in the Government Treasury [illegible] our share. And the subsequent instalments which were paid by the Vendee were retained in Court. When my brother, Nanjundappa came of age in 19[illegible], he received his share of the purchase money from the Court in Mis. No: [illegible] of 96-97. And my share of the purchase money was in deposit in the Court. [illegible], but in Mis. No: 1[illegible]7 of 96-97, my brother Audreppa Chetty again made an application praying that my share of money may be paid to him. And before this petition was disposed of, Rudrappa Chetty made another application in Mis. No: 229 of 97-98 alleging that he was in need of money to improve a Coffee Estate purchased by him and prayed that the money in question paid to Mr. C. S. Brito, his partner, who also made a similar application in Mis. No: 225 of 97-98. Though in Mis. No: 234 of 97-98, my mother, Rudramma, brought to the notice of the District Judge, the fact that (1) the properties proposed to be hypothecated were not worth even Rs.10,000/-. The District Judge quite recklessly, negligently and without ascertaining the value or condition of the proposed property, to be hypothecated on the status of the man who applied for the loan, and contrary to the terms of the Rules Regulating maintenance and custody of the minor's property, accepted the offer made by Mr. C.S.C. [illegible] Brito, to hypothecate his ½ share of the [illegible] Coffee Estate, Mudigere Taluk, Kadur District, jointly with Rudrappa Chetty and his brother Nanjundappa Chetty. The District Judge on taking a hypothecation bond dated, 11-1-98 from the aforesaid persons, Viz., Rudrappa Chetty, Nanjundappa Chetty and Mr. C.S. Brito directed Mr. Brito to receive the sum of Rs.30,000/- deposited, as belonging to me, in the Treasury. During my minority my brother Rudrappa Chetty squandered all money recklessly and contracted debts without any necessity whatsoever, for immoral purposes. The security accepted by the District Judge was not of any value at all, as my brother Rudrappa Chetty and

Nanjundappa

Venkatappa Chetty and, on 14-12-96, hypothecated all immovable properties belonging to the family for illegal and immoral purposes including the aforesaid Coffee Estate for Rs.50,000/-, in favour of one Beliah Naidu and even after accepting the security of the aforesaid Coffee Estate, the Court took no steps to safeguard my interests by getting an entry made in the Revenue Registers in order that timely notice may be received by it in case there was any default in the payment of Government Revenue.

In O.S. No. [illegible] of [illegible] on the file of the Hon'ble Chief Court, Beliah Naidu filed a suit on his hypothecation bond and during the progress of that case the illegality in the matter of paying the minor's money a sum of Rs.25,000/- to Mr. Brito, it was brought to the notice of that Court that a sum of Rs. 25,000/-, the property of the minor had been illegally and contrary to all the terms mentioned in the minor's rules, given away to Mr. Britto. The then Justice, Mr. Ramachandra Ayer, was pleased to order on 21-3-1900, that the principal and interest payable by Messrs. Britto, Anderson and Venkatappa, should be recovered forthwith from them jointly or severally and that the hypothecated property must be sold. In spite of the above order nothing further was done. In the meantime the whole of the hypothecated property has been sold for arrears of Revenue.

After I attained majority I applied for the payment to [illegible] of the Rs.25,000/- which was in deposit in [illegible] of 07-[illegible], on the file of the Chief Court, and Hon'ble [illegible] was pleased to order that I [illegible] receive the hypothecation bond [illegible] by Mr. Britto and others. My appeal against the said order in Misc. Appeal No: 3[illegible] of 19-16, on the file of the Chief Court has also been rejected.

From the foregoing statement of facts it will be apparent that

(1) the order of the District Judge, giving to Mr. Britto and others, the loan of Rs. 50,000/-, was in defiance of the provisions of Rule 16 of the Minor's Rules;

(2) the Court did not care to inform itself about the previous encumbrances which existed on the hypothecated property or its market value;

(3) that the Court did not do anything to safeguard the interest of the minor even after getting the hypothecation bond executed;

(4) And that though Mr. Justice [illegible] Ayer passed an order on the [illegible]-1916 for the recovery of the principal and interest, though the bond had been executed in favour of the Court, no steps were taken to compel them to pay the several instalments;

(5) And that the Court acted without any regard to my interest though it was the custodian of all my property.

Now that the hypothecated property is sold away, the hypothecation bond is quite useless for me and I cannot get any benefit from it. Having no other property to live upon I am now reduced to poverty, though I am the son of one who was possessed of property of large value and who died only about 20 years ago and though my estate was under the management of one who placed himself under the orders of the District Court Bangalore.

Under the above circumstances I am copelled to approac your respected sir, with the memorial fully believing that your honor will take pity on my helpless condition and orde repayment of my money entrusted to the care and custody of one of the Trusted Servants of the Government of His Highness the Maharaja of Mysore.

Your obedient servant

బి. మల్లప్ప నాయుడు

B. Mallappa

C/O R. Vasudeava Rao,

No.172 Ramavilas Agrahar,

Mysore.

29-12-1910

19

I herewith enclose the true 16 Copies of the correspondence connected ~~to this~~ with my Notice:-

1. District Judges Court, Nandidroog Division, Mis.175 of 1891.
   Surity bond dated .. .. 20-7-1891.
2. Do " Court " " Mis.254 of 1897-
3. Order dated .... 11-1-1898.
4. Do Mis No.255 of 1897--8, Miscellaneous petition 10-1-1898.
5. Order dated ....11-1-1898.
6. Chief court Os No.5 of 1899-1900. Court notice issued to - Rudramma 15-11-1899/20-11
7. Do Mis 117/Os 5 of 1899-1900. Order dated 21-3-1900.
8. Hypothicated bond dated 11-1-1898.
9. Sub Judges Court Mis No.73 of 856 Ns 258 of 1907/1908.
   Miscellaneous petition dated .... 2-9-1907.
10. Order dated................................ 3-4-1908.
11. Chief Court Mis No. of 1908/Sub Court Mis No.258 of 1907-08
    Mis petition dated 11-4-1908.
12. Order dated.................................. 19-3-1909.
13. 2nd Order dated............................. 22-9-1909
14. Horoscope.
15. Chief Court Mis Appeal No:33 of 1909-1910.- Appeal Memorandum filed on 1-11-1909.
16. Order dated ....14-4-1910.

೨೦

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

L1

[illegible]

1897-98-[illegible] 254

[illegible]

[illegible]

1 [illegible]

2 [illegible] 58 [illegible] 35 [illegible]

3 [illegible]

10-1-98 [illegible]

[illegible]

In the Court of the District Judge,
Nandidrug Division.

The 11th day of January 1898.

Present. T. Narahari Rao, Esqr.
District Judge.

Mis case No. 254 of 1897-1898.

Petitioner Mallappah minor by his guardian and Mother Rudrammah.

Counter petitioner. Chicka Rudrappah Shetty son of Bigadenahalli Basannah.

Order 11-1-98.

As Mr. Sambasiveah states that the petitioner withdraws the application it is rejected.-

(Sd) T. N. R.
District Judge.

"True Copy"

[illegible] 15

97-98 [illegible] 255

[illegible]

[illegible] 3 [illegible]

[illegible] 1 [illegible]

[illegible] 2 [illegible]

[illegible]

1 [illegible] 1 [illegible] 35 [illegible]

2 [illegible] 1-2 [illegible] 1 [illegible] 58 [illegible] 1 [illegible] 20 [illegible]

3 [illegible] 1 [illegible] 20 [illegible]

4 [illegible]

5 [illegible]

6 [illegible] 1 [illegible]

10-1-98 [illegible]

[illegible]

In the Court of the District Judge,
Nandidrug Division.

Dated the 11th day of January 1898.

Present T. Narahari Rao, Esqr
District Judge.

Mis No: 255 of 1897-1898.

Petitioner. Mallappah minor by his guardian and Mother Rudrammah.

Counter petitioner.
1. Chicka Rudrappa Shetty
2. Nanjundappah
} Sons of — Bigadenahalli Basanna.

Order.

As Mr Sambasiviah says that the petitioner withdraws the application, it is rejected.

"True Copy"

(Sd.) T. N. R.
District Judge.

25

[illegible]

1899-1900 [illegible] 5

[illegible] ప్రతివాదులు

వాది [illegible] 3 [illegible]

[illegible]

[illegible] 58 [illegible] 29 [illegible] // [illegible] 1899 [illegible] 15 [illegible]

శ్రీ

[illegible]

తా 20-11-99 [illegible]

In the chief Court of ~~the~~ Mysore at Bangalore.
Wednesday the 21st day of March 1909.

(Mis No. 117 of 1899- 1900, O, S. No. 5 of 1899-1900.)

Plaintiff, Baliah Naidu. V. S. Defendants, 1. B.C. Rudrappa Chetty
3. B. Mallappachett
2. B. Nanjundappa.

O R D E R

The District Judge of Bangalore, by an order dated 22nd July 1891 appointed Chicka Rudrappa Manager of the late which belong to the said Rudrappa and his minor brothers Nanjundappa and Mallappa(Mis Petition No 175 of 1891). It is not necessary to determ9ine whether such an order was needed by Rudrappa to enable him to manage the family property. He evidently thought that it was needed and made an application under the minors rules which was granted by the District Judge.

The manager sought permission to sell a coffee estate (Mis Petition No 119 of 1893). The Judge sanctioned it and directed the Vendee to pay the purchase money into Court by certain instalments.

The vendee had topay Rs I75000 He paid in the first instance Rs 75000 which was repaid to the manager for the purposeof discharging certain debts.

The Vendee paid another sum of Rs 4I000 into court. The manager applied for repayment of that sum to him as he needed it for carrying on business as an abkarry contractor (mis petition 13 of 1894-95). The Judge passed the following order:-

The minor's property to the extent of two-thirds must be invested in the Government Saving's Bank. He made a fresh application (mis petition 60 of 1894-95) which was disposed of by the following order:-

The manager offers to pay interest @ 4 per cent per annum on the minor's two-thirds share of the amount. He will beallow to receive the minors two-thirds of the said amount. The subsiquent instalments shall be liable to be retained in the Governnment treasury to make good the minors share. the one third - share of the manager in all the family property shall also be answerable to make the good the minors two thirds share in the said rupees ₨ 41,000 odd &.

The subsiquent instalments which were paid by the vendee were retained in Court.

The second brother Nanjundappa Who ceased to be a minor some - time in 1896 received his share of the purchase money from the Court (Mis Petition No 84 of 1896-97) .

The third brother Mallapa's share of the perchase money was deposited in the Government savings bank. The manger offered to furnish security and prayed that the money might be paid to him (Mis Petition No 187 of 1896-97).

Before the petition was desposed off the manager made an application in 17th December 1897, stating that he urgently needed money to improve a cofffee estate which he had purchased and prayed that the money might be paid to Mr, Brits, his - partner and manager of the estate . Mr, Brits, also made a similar application (Mis Petitions No 239 & 240 of 1897 -98).

The District Judge grante both applications in as much as the amount in the treasury belonging to the minor carries no interests for more than ₨ 5,000/-. Mr, Brits, offers to pay interest @ 4% per annum. The Judge eccepted Mr. Brito's offer to hypothicate his half of the Hardakey coffee estate and the offer made by Rudrappa Chetty to hypothicate his half the estate jointly with his brother Najundappa, a hypothication bond was executed by the three persons on 11th January 1898 when ₨ 36,000 was paid to Mr. Brito.

The order is clearly oppose to Rule 15th of the Rules relating to minors which says that the money shall be deposited in the District treasury and shall be invested by the Court on - account of the estate from time to time in public securities. The loan made to Rudrppa of the minor's share of ₨ 41,000/- is also against the rules. The District Judge was apparently under the impression that there was ample security for the loan of Rs.36,000/- in as much as the whole of the estate was hypothicated by Mr. Brito and by the elder brothers of the minor. But it has now come to the knowledge of the Court that the Judge was misled in regard to the adequacy of the security O.S. No.5 of 1899-1900 has been filed in this Court for money due upon a mortgage bond which was executed by the elder brothers of the minor on 14th November 1896 for Rupees 50,000/- all the immoveable property possed by the family including the Coffee estate in question has been mortgaged to the plantiff in the said suit. The security which was given by the minors brother has become worthless they are heavily indebted and it is impossible to recover even a Rupee from them.

In these circumstnaces, a notice was sent to Mr. Brito to show cause why the order sanctioning the loan should not be caneclled and the money repaid forth with. Mr. Brito's advocate was directed to produce his client before the Court. Mr. Brito has not appeared in person and his advocate has stated his inablity to show cause why an order should not be made as proposed.

Mr. Brito has not paid interest according to the terms of the bond. It has been brought the notice of the Court in O.S. No.5 that the assessment is in arrear and that the estate is advertised for sale on 19th April.

It is hereby ordered that the principal and interest payable by Messrs. Brito and Rudrappa and Nanjundappa be recovered forthwith from them jointly or severally and that the mortgaged property be sold arrangement will be made later on for taking possession of morgaged property.

(Signed) A. Ramachandra Iyer.

21-3-1900.

Copy applied for 10-4-1900. Amount 0-15-0
" Ready for delivery 23-4-1900' Exam. fee 0-3-4
" Delivered to B. Nunjandappa 23-4-1900. Paper Cost Nil.
No. of words 910 Total Rs.1-2-4

Exd. by C.S.

Value of Stamp
Rs 180-0-0

29

[illegible] 1897-1898 [illegible] 290 [illegible] 6 [illegible] 36000 [illegible] 36000 [illegible] 5000 [illegible]

/Sd/ [illegible]
/"/ [illegible]
—"/ C. S. Brito

[illegible]

[illegible]

/Sd/ [illegible]
—"/ [illegible]
—"— C. S. Brito

[illegible] 14-1-98 [illegible]

Jo Presented at 3.30 P.M. on the 4th January 1898 in the office of the Dist Registrar of the B'lore Dist. by the undersigned (Sd) C. S Brito.

The undersigned admit the execution of this document. Sd Chikka Rudrappa
S Nanjundappa
C S Brito

Registered as No 28 in the Book I Vol: 20 on pages from 142 to 145. Fees recd Rs 86.12.0

Sd B K Venkata Varadaiyengar
Dist Registrar Blore Dist.
16.1.1898

(Seal).
True Copy.

31

[illegible]

[illegible] 258—907—908—

[illegible] 73

[illegible] 907 [illegible] 73-95-96

[illegible] 36000 [illegible] 96 [illegible] 36000 [illegible]

[illegible] 2-9-907 [illegible]

[illegible]

In the Court of the Subordinate Judge at

Present J. H. Bhabha Esqr. B.A. Barrister at Law
Subordinate Judge. Bangalore.

Miscellaneous case No: 258 of 1907-1908.

Petitioner	Counter petitioner
B. Mallappah	1 Chicka Rudrappah 2 B. Nanjundappa 3 Appajappa 4 Makalappa 5. C. S. Brito

Read application dated 2-9-1907 presented by the petitioner B Mallappah praying that the amount of Rs 36,000/- deposited in the Savings Bank in the name of the petitioner may be returned to him since he attained majority.

Petitioner in person.

The mortgage document stands in the name of the District Judge of the late Nandedrug Division Court. The records in which the original is filed cannot be traced either in this court or in the central records.

The further steps to be taken are that the court in which the jurisdiction of the late District court vests should file a suit on the mortgage document and recover as much of the property as is possible. The petitioner can produce an authenticated copy of the mortgage document. The document is also registered So a correct copy can easily be obtained from the Sub Registrar.

The Chief Court has now all the special jurisdiction of the late District court vested in it. As such, it is the Court which can take further steps in the matter. The records will therefore be submitted to the Honorable the Chief Court for further orders.

"True Copy"

(Sd.) J. H. Bhabha
3-4-08.

63

[illegible]

908 [illegible]

[illegible] 258-907-908-

[illegible]

[illegible] 36000 [illegible] 2-9-907 [illegible] 3 [illegible] 36000 [illegible]

11-4-908-

In the Chief Court of Mysore at Bangalore

Before Mr. Justice P. S. Krisha Row Rai Bahadur

Mis. case No. 1 of 1907-1908

Petitioner - B. Mallappah

19-3-1909

Petitioner is unable to find a man who will act as his guardian. He must wait till he was compleated his 21st year. The horscope filed by him shows that he was born on 23rd Augus 1888.

In the mean time, it is stated that the original mortgage document has been found in the office of the Subordinate Judge. If so Call for it.

(Sd) P. S. K
Judge 19. 3. 09

"True Copy"

In the Chief Court of Mysore at Bangalore.

Wednesday, the 22nd day of September 1909.

Before Mr. Justice P. S. Krishna Rao, Rao Bahadur.

Read mis case No: 1 of 1907-1908 presented by B. Mallappah, petitioner praying that the sum of Rs 36,000/- deposited in the Savings bank by the District Judge of Nandidrug Division on his behalf may be ordered to be paid to him along with the interest due thereon.

Order.

The horescope filed by the petitioner shows that he was born on 23rd August 1888. He is therefore now a major. The only property which belongs to him and which is in the hands of the court is a deed of hypothecation dated 11-1-1898 for Rs 36,000/- executed in his favour as award of the late District Judge's Court, Nandidroog Division by Chicka Rudrappa Chetty, Nanjunda Chetty and Cashmere Salvadar Brito of Mangalore. This document may now be handed over to him in view to his recovering the moneys due to him thereunder.

"True Copy"

(Sd.) P. S. Krishna Rao.
Judge.

శ్రీ నెం॥౧౮౮౮నే ఇనాం అసిస్టెంటు౧౨.

శుభమస్తు — మల్లిప్పనాయకా.

జనన జన్మసౌఖ్యానాం వర్ధనీ కులసంపదాం॥ పదవీ పూర్వపుణ్యానాం లిఖ్యతే జన్మపత్రికా॥ స్వస్తిశ్రీ విజయాభ్యుదయ శాలివాహన శక౧౮౧౦నేయ సర్వధారి నామ సంవత్సర శ్రావణ బహుళ ౧ గురువారం ౨౬।౧౧ ఘం ౪।౧।౧౯ స్వా॥ ఇదే౧౩దిం॥ ౨౭ఘ ౨ప ౪ వి ౨౨ రాత్రి ౬ంద్ర స్థాయిగ ౪ దిం ౧ం హరణ [illegible] సరియైన వృశ్చిక లగ్న [illegible] చంద్ర నవాంశ వృశ్చికాంశ [illegible] సమయ [illegible] ద్వాదశాంశ శుక్ర త్రింశాంశ [illegible] జనన॥—॥ [illegible] ఘం౨ చం॥ ౨౨ కు॥ ము౨ బు॥

స్వా॥ ఘ౨ శు॥ [illegible]॥ [illegible]॥ [illegible]:॥ [illegible]

[illegible] జనన కాలి గురుదశా [illegible] సంవత్సర

						కు	ర చం బు
చం	రాశికుండలి॥		శ।రా	కే	అంశకుండలి॥		లగ్నం
కే			ర।బు శు				రా
	గు లగ్నం	కు		శ		శు	గు

ఆదిత్యాది నవగ్రహానుగ్రహ సిద్ధిరస్తు

[illegible] 33 - 1909-1910

37

[illegible]

1909-1910 [illegible]

ಅಪೆಲೆಂಟ್— [illegible] (ಅರ್ಜಿದಾರ)

[illegible] 1907-08 ನೆ [illegible]

[illegible]

ಅಪೆಲೆಂಟ್ [illegible] 1 ನೆ [illegible] 2 ನೆ [illegible] 3 ನೆ [illegible] 1890 ನೆ [illegible] 2-3 ನೆ [illegible] 1 ನೆ [illegible] 1891 ನೆ [illegible] 175 ನೆ [illegible] 1/3 [illegible] 30-7-1891 ನೆ [illegible]

2 [illegible] 1,75000 [illegible] 75000 [illegible] 100000 [illegible] 100000 [illegible] 1/3 [illegible] 2 ನೆ [illegible] 2 ನೆ [illegible] 3 ನೆ [illegible]

3 [illegible] 36000 [illegible] 36000 [illegible] 4 [illegible]

[illegible] 1897-8 [illegible] 254-255-[illegible] 36000 [illegible]

4 [illegible] 36 [illegible]

5 [illegible] 50 [illegible] 1899-1900 [illegible] 5 [illegible] 117 [illegible]

[illegible] 1907-8-[illegible] 1 [illegible] 1891 [illegible] 175 [illegible] 1897-8-[illegible] 254-255-[illegible] 1899-1900 [illegible] 117 [illegible] 1899-00 [illegible] 405 [illegible] 1907-8-[illegible] 1 [illegible] 36 [illegible] 1898-[illegible] 11 [illegible] 1898-[illegible] 11 [illegible]

[illegible]

[illegible]

[illegible] 36 [illegible]

[illegible]

[illegible] ಬೇಕಾಗಿತ್ತು [illegible]

[illegible] 1—11—1909

No: 3048/196 Jny

J 1752

81-2

41

BANGALORE,
5th January 1911.
7a

From,

The Registrar of the
Chief Court of Mysore.

To,

The Officiating Secretary to the
~~the~~ Government of Mysore,
General and Revenue Departments.

Sir,

I am directed to forward, for the information of Government a copy of the notice dated 29th Ultimo issued by one B. Mallappa under Section 424 of ~~t~~ Civil Procedure Code intimating his intention to file a suit for Rs:36000/- being the amount he lost by~~t~~ an alleged irregularity of the late District Court, Nandidroog Division.

A further report will follow as soon as the facts are ascertained.

I have the honor to be,
Sir,
Your most obedient servant,

for Registrar.

To,

S. Ismay, Esq., C.S.I.,
Chief Judge, Bangalore.

Respected Sir,

My father, Bigadenahalli Basappa, who was a resident of Bangalore died on the 11th December 1890, leaving behind him Myself and my elder brothers, B.C. Rudrappa Chetty, and B.C. Nanjundappa Chetty. As, at the time of my father's death, I was a minor and my father had properties of the valueof more than 3 lacs of rupees, my eldest brother B.C.Rudrappa Chetty, applied to the District Judge, Nandidroog Division, in Mis: No. 175 of 91 for a certificateunder the Rules relating to the custody and guardianship of minors in the Province of Mysore, and the said Court was pleased to grant him the certificate on the security of his 1/3 share in the family property for the discharge of his duties.

My elder brother B.C.Rudrappa Chetty, sold a Coffee Estate, belonging to our family known as the Morthikhan's Estate for Rs: 1,75,000/- to Messrs Morgan & Sons, of Mangalore, having obtained the permission of the District Judge, Bangalore, in his No. 119 of 1893 on the file of his Court, and out of the said Rs;1,75,000/-, my brother Rudrappa Chetty was paid, in the first instance, Rs,75000/- for the purpose as alleged by him for discharging certain family debts. When the purchaser paid the next instalment of Rs:41000/-, an application was made by my brother in Mis: No. 13 of 94-95 for the payment, to him, the entire amount as he needed for carrying on business as an Abkari Contractor,. The learned Judge ordered that the 1/3 share of the money belonging to me and the 1/3 share belonging to my other brother, Nanjundappa Chetty, who was then a minor, should be invested in the Government Savings Bank. But when an applicationin Mis: No.

60 of 94-95,

60 of 94-95, was again made by Rudrappa Chetty for the money ordered by him to be invested in a Savings Bank, the learned Judge was pleased to allow him to receive the 2/3 share of the money belonging to me and to my brother, Nanjundappa Chetty, and further ordered to retain the subsequent instalments in the Government Treasury to make good our share. And the subsequent instalments which were paid by the Vendee were retained in the Court. When my brother, Nanjundappa came of age in 1896, he received his share of the purchase money from the Court in Mis: No. 84 of 96-97. And my share of the purchase money was in deposit in the Govt: Savings Bank. But in Mis: No: 187 of 96-97, my brother Rudrappa Chetty again made an application praying that my share of money may be paid to him. And before this petition was disposed of , Rudrappa Chetty made another application in Mis: No. 239 of 97-98 alleging that he was in need of money to improve a Coffee Estate purchased by him and prayed that ~~that~~ the money in question paid to Mr. C.S. Brito, his partner, who also made a similar application in Mis: No. 245 of 97-98. Though in Mis No. 254 of 97-98, my ~~brother~~ mother Rudramma, brought to the notice of the District Judge, the fact that (1) the properties proposed to be hypothecated were not worth even Rs.10,000/-. The District Judge quite recklessly, negligently and without ascertaining the value or condition of the proposed property to be hypothecated on the status of the man who applied for the loan, and contrary to the terms of the Rules regulating maintenance and custody of the minor's property, accepted the offer made by Mr. C.S. Cashmir Brito, to hypothecate his ½ share of the Heredike Coffee Estate, Mudagere Taluk, Kadur District, jointly with Rudrappa Chetty and his brother Nanjundappa Chetty. The District Judge on taking a hypothecation bond dated, 11-1-98 from the aforesaid persons, viz., Rudrappa Chetty , Nanjundappa Chetty and Mr. C.S.Brito directed Mr. Brito to receive the sum of Rs.36000/- deposited, as belonging to me, in the Treasury. During my minority my brother Rudrappa Chetty squandered all money recklessly and contracted debts without any necessity whatsoever for immoral purposes. The security accepted by the District Judge was not of any value at all, as my brother Rudrappa Chetty

and Nanjundappa Chetty had on 14-12-95, hypothecated all immoveable properties belonging to the family for illegal and immoral purposes including the aforesaid Coffee Estate for Rs ~~:5000/-~~ 50000/-, in favour of one Baliah Naidu and even after accepting the security of the aforesaid ~~[illegible]~~ Coffee Estate the Court took no steps to safeguard my interests by getting an entry made in the Revenue Registers in order that timely notice may be received by it in case there was any default in the payment of Government Revenue.

In O.S. No. 5 of 1899-1900 on the file of the Hon'ble Chief Court, Baliah Naidu filed a suit on his hypothecation bond and during the progress of that case the illegality in the ~~[illegible]~~ matter of paying the minor's money a sum of Rs:36000/- to Mr. Brito, it was brought to the notice of that Court that a sum of Rs:36000/-, the property of the minor had been illegally and contrary to all the terms mentioned in the minors' rules, given away to Mr. Britto. The then Justice, Mr. Ramachandra Iyer was pleased to order on 21-3-1900, that the principal and interest payable by Messrs. Brito, Rudrappa and Nanjudappa, should be recovered forthwith from them jointly or severally and that the hypothecated property must be sold. In spite of the above order, nothing further was done. In the meantime the whole of the hypothecated property has been sold for arrears ~~[illegible]~~ of revenue.

After I attained majority I applied for the payment to me of the Rs.36000/- which was in deposit in Mis: No. 1 of 07-08 on the file of the Chief Court. The Hon'ble Judge was pleased to order that I may be given the hypothecation bond executed by Mr. Brito and others. My appeal against the said order in Mis: Appeal No. 33 of 1909-10 on the file of the Chief Court has also been rejected.

From the foregoing statement of facts it will be apparent that ,

(1) The order of the District Judge, giving to Mr. Brito and others, the loan of Rs:36000/-, was in defiance of the provisions of Rule 16 of the Minors' Rules;

(2) The Court did not care to inform itself about the previous encumbrances which existed on the hypothecated property or its market value;

(3) That the Court did not do anything to safe guard the interests of the minor even after getting the hypothecation bond executed;

(4) that though Mr. Justice Ramachandra Iyer passed an order on the 21-3-1900 for the recovery of the principal and interest, though the bond had been executed in favour of the Court, no steps @@@@@@@ were taken to compel them to pay the several instalments;

(5) and that the Court acted without any regard to my interest though it was the custodian of all my property.

Now that the hypothecated property is sold away, the hypothecation bond is quite useless for me and I cannot get any benefit from it. Having no other property to live upon I ~~am~~ am now reduced to pauperism, though I am the son of one who was possessed of property of large value and who died only about 20 years ago and though my estate was under the management of one who placed himself under the orders of the District Court, Bangalore.

I am advised and I believe it to be so :-

(1) that on account of the foregoing irregularities the Court of the District Judge, Nandidroog Division, is liable to give me Rs:36000/- as this amount was received by it on my account and that the hypothecation bond could not be forced on me;

(2) that though the order is that I must take the hypothecation bond I am entitled to place my case before a proper Court of Law and pray for the payment, to me , of the money by the Court of the District Judge.

As the Hon'ble Chief Court represents the Court of the late District Judge, Nandidroog Division, and as I intend~~ed~~ @@ making my claim in a Court of Law for Rs:36000/- aforesaid and interest thereon, and as you are one of the Judges of the @@@@

Hon'ble Chief Court, I respectfully beg hereby to inform you, under Section 424, Civil Procedure Code, that if you are not pleased to order the payment to me of the sum of Rs:36000/- with interest thereon, within two months after the receipt hereof, I will take legal steps in the matter against the Government and others concerned.

I beg to remain,

Respected Sir,

Your most obedient and humble servant,

(Signed in Kanarese) B. Mallappa.

'Copy'

For Registrar

175a
13/1/11

G.R.S. 26]

Ct File No. 163-10 47
Serial No. 3.

Diary No. of letter replied to

No. J 2046 Genl 1[illegible]

General and Revenue Secretariat
(G.)
, *the* 19 .

To
The Registrar, Chief
Court.

Date of issue 13-1-11

Signed by M. [illegible]

His letter No 3048/196 date
the 5th January 1911, forward
a Copy of the notice issue
by B. Mallappa, intimati
his intention to file a suit
for Rs 36000/- alleged to
have been lost by him owin
to the mismanagement of
his estate by the late
District Court, Bangalore

over.

SUBJECT.

Adverting to the
18 the
above, has honor to
forward herewith, a Copy
of the petition x addressed
to Govt by the said
(together with its enclosures)
individual and to
state that the ~~[illegible]~~
further report promised
in ~~his letter~~ the letter
under advertence is
awaited.

B. O.

SA
for Secy

x (to be kindly returned with the reply).

SN 11/1/11

Dfb
Hcs
(122) 11-1-11.

List of enclosures,

Copied by B Krishnamurthy 13-1-11
Examined by SN

GPB—20,000—12-8-10

No. 3654/232 Encl. 2, 1 file.

J2072 Sl. 4

BANGALORE,
9th February 1911.
10a

From,

The Registrar of the
Chief Court of Mysore.

To,

The Officiating Secretary
to the Government of Mysore,
General and Revenue Departments.

SIR,

In continuation of this Office letter No. 3048/196 dated 5th ultimo, in re notice issued by B.Mallappa, I am directed to forward herewith for information of Government, copy of letter No. 665 dated 7th Instant from the Subordinate Judge, Bangalore, (and of its enclosure~~s~~) reporting on the facts and circumstances connected with the case. The petition and its enclosures received with your No. J.2046/Cts 163-10-3 dated the 13th ultimo are returned.

I have the honour to be,
Sir,
Your most obedient servant,

REGISTRAR.

AD

From,

B. Nagappa, Esquire,
Barrister - at - Law,
Subordinate Judge,
BANGALORE.

To,

V.A.Raja Ratna Mudaliar, Esquire,
Registrar, Chief Court of Mysore,
BANGALORE.

Dated } 7th February 1911.
Despatched }

Received 8-2-11.

General No. 665

Enclosure Nos. One copy of Notice,
one order copy and 3 records.

SIR,

Adverting to your No. 3056/1879 dated 5th January 1911 forwarding a copy of the notice dated 29th ultimo issued by one B.Mallappa and requesting me to get out the necessary records and to report very early as to the correctness of the facts alleg therein, I have the honor to report as follows :-

The facts narrated in the first para are correct. The facts narrated in the second para are not correct in many particulars. Orders passed in Mis: No. 119 of 1893, and Mis @@@@@@@@ 13 of 94-95, Mis: No. 60 of 94-95, Mis: No. 84 of 96-97 are correctly given. The allegations in Mis No. 187 of 96-97, and in @ Mis: No. 240 of 97-98 seem to be correctly given in the petitio The statement regarding Mis: No. 254 of 97-98 is incorrect. The true copy of the order passed in Mis: No. 187 of 96-97 and Mis: No. 240 of 97-98 is herwith sent. This order was passed on 6th January 1898. On 10th January 1898 Mis: No. 254 of 97-98 was filed by the [illegible] mother of the present petitioner. The purport of this ~~present~~ petition is that the guardian of the minor has hypothecated his properties for Rs:58,000 to one Baliah Naidu; that he is trying to receive Rs: 35,000 belonging to the minor; that he should be removed from his office; and that the ~~mother~~ mother (the petitioner) of the minor boy should be appointed guardian. This petition was presented on 10th January 1898. It was withdrawn on 11th January 1898 by her advocate late Mr.Sambasiva Iyer. That petition was rejected on 11-1-1898. Another petition (Mis No. 255 of 97-98 containing pretty nearly the same allegation was presented on 10-1-1898 by the mother Rudramma. It was also withdrawn on 11-1-98 and was rejected on the same day. The deed of hypothecation was accepted and money paid. As to the alleged order by Mr. Justice Ramachandra Iyer on 21-3-1900, I find no trace of it in the records connected with O.S. No.5 of 1899-1900. The order passed in Mis: No. 1 of 07-08 on the file of the Chief Court is correctly stated.

The notice under reference and the records received with your No. 3175/1963 dated 13th January 1911 are herewith returned.

I have the honour to be,
Sir,
Your most obedient servant.

Sd/- B. Nagappa,
Subordinate Judge.

'Copy'

Registrar

NP.

True Copy of order passed in Mis 187 of 1896-97 and Mis 240 of 97-98.

In the Court of the District Judge, Nandi-
drug Division
Mis case No. 239 of 1897-98.

Petitioner :- B. Chik Rudrappa setti.
petitioner in Mis 240 of 97-98

Prays that the money belonging to his minor brother Mallappa setti now deposited in Court may be ordered to be paid to Mr C. S. Brito the manager and working partner in the Heradike Coffee estate.

Order

Chik Rudrappa Setty, the manager of the estate of his minor brother, requests that the money of the minor in the Treasury may be lent to Mr Britto and that it would be for the benefit of the minor's estate. The amount in the Treasury, belonging to the minor carries no interest for more than five thousand rupees. Mr Britto offers to pay interest at four per cent per annum.

The manager offers to execute a deed of hypothecation jointly with his brother Nanjoondappa on the hypothecation of the Haradikay estate in which the manager says he owns one half.

Mr Brito offers to execute a deed of hypothecation hypothecating his one-half in the same estate for the loan. The amount is to be repayable after three years, into the Treasury, by annual instalments of five thousand rupees. Interest at four per cent per annum is to be paid into the Treasury once every year.

As the manager of the estate of the minor Mallappa Setty is also the undivided eldest brother of the minor, as he says that the loan may be made to Mr Britto on the terms above set forth and that it would be to the benefit of the minor and of the joint family, and as the transaction appears to be for the benefit of the minor and of the family, if ChiKKa Rudrappa Setty and Nanjoondappa and Mr Britto execute a deed of hypothecation in favour of the minor for the amount on the terms above offered and register the deed and produce it in Court, the Court will direct that the money in the Treasury belonging to the estate of the minor Mallappa Setty be paid to Mr Britto as a loan repayable by all jointly and severally as above set forth.

The 6th January 1898. (Signed) T. Narahari Rao
District Judge.

"True Copy"

[illegible]appa.
Subordinate Judge.

the meantime, the papers were also unofficially sent to the Govt. Advocate to study and furnish Govt. with his opinion. (Courts file 163 of 10.11)

17.4.11.

Recy

Please stir up & expedite

Asst Hely III Kindly attend to this early & let me know at what stage the matter is

57

J269

1911.

No. H.H.P. No 259.

Name of Petitioner— B. Mallapp

Village— Mysore

Taluk— do

District— do

Date of Arzi— 3d April

Date of Receipt— 4 — do

Date of Disposal—

No. of Enclosure— "

ABSTRACT.

This is a M morial addresse to His Highness th Maharaja prai-ing for disposa of his represen-tation in the matter of the il-legal procedure of the late Dist Court of Banga-lore in connect

33

vith the payment of a sum of Rs 3600/ deposited during his minority. & forwarded to the Dewan in continuation of the previous petition -

The Dewan's order on the previous petition was: —

Secretary Vide similar petition addressed to me and sent into Office a few days ago.
H. 1. 11.

The order on the other petition was: —

Secretary Jud^{l} B^{h}.— Is there anything that we can do?
Submit through 2^{d} Councillor
30: 12: 1

It is since ascertained from the Jud^{l} B^{h}. that the petitioner has issued a notice under Section 424 C.P.C. intimating that he

[illegible]

No. 2805
/

OFFICE OF THE PRIVATE SECRETARY TO
H. H. THE MAHARAJA OF MYSORE,

DATED Mysore, 7th April 1911.

Petition No. 1326 dated 3rd April 1911, form B.Mallppa, c/o R.Vasudeva Rao, Door No.172 Ramavilas Agrahar, Mysore, is forwarded, with compliments, to the Dewan of Mysore, Bangalore, in continuation of this office No.1933 dated 3-1-1911.

By Order,

I.C.S.,
Private Secretary.

OFFICE OF THE PRIVATE SECRETARY TO H.H. THE MAHARAJA OF MYSORE
3 APR 1911

126

57

Nl
3.4.11

Pn. No. 945 dy 29.12.10 on the Same Subject was sent to Darbar for disposal. [illegible] No 1931 3.1.11 Remarks in the Register.
Report called for from the chief Court.

C

To,
Col: H.H. the Maharaja Sri Krishna
Rajandra Wadayar Bahadur
G.C.S.I.
Maharaja of Mysore
Mysore

May it please your Highness:-

I had submitted a Memorial to your Highness so long back as 29th December last setting forth all my difficulties in detail and the mishaps I am subjected to by the illegal procedure of the late District Court of Bangalore in connection with the order of payment of the amount, viz Rs 36000/- which was in deposit for and on my behalf during my minority; but to my misfortune no justice is as yet given from your Highness's hands. So I once again make myself bold to approch your Highness by way of throwing myself under your Highness mercy and seek your Highness early orders after a deep enquiry.

Begging to be pardoned for the undue liberty & intrussion.

I beg to remain
Your Highness and loyal
Your Highness most Obedient Servant
R. Vasudeva Rao [illegible]
Door 172 Ramavilas Agrahar
Mysore-

Dated 3rd april
Mysore

191/ . 58

No. 265 ~~744~~

Name of Petitioner—B. Mallappa

Village— Mysore

Taluk— Do

District— Do

Date of Arzi— 27th April

Date of Receipt—

Date of Disposal—

No. of Enclosure—

ABSTRACT.

This is a memorial addressed to His Highness the Maharaja, soliciting early orders on his previous memorials on the subject of the illegal procedure of the late District Court of Bangalore in connection with the payment of sum of Rs 36. ~~[illegible]~~ &c

minority and has been sent to the Dewan in continuation of previous petition –

It may be noted that the file on the subject (Courts 163 of 1910. 11). was before the Dewan and a draft endorsement to the memorialist informing him that Govt must disclaim responsibility for the effect of orders passed judicially by Judges has been approved by the Dewan on 6. 5. 11.

KR
7. 5. 11.

JM

8/v/11

39

No. 3008/1

OFFICE OF THE PRIVATE SECRETARY TO
H. H. THE MAHARAJA OF MYSORE.

DATED Fern Hill, 5-5- 1911.

Petition No.1401 dated 27-4-1911 from B.Mallappa C/o R.Vasudeva Rao, 172 Rama Vilas Agrahar, Mysore, is forwarded twith compliments to the Dewan of Mysore, Ootacamund, in continuation of this Office No.2805 dated 7th April 1911.

By order,

I.C.S.

Private Secretary.

OFFICE OF THE PRIVATE SECRETARY
1407
29 APR 1911

66

Col. H. H. The Maharajah Sri Krishnarajendra Wadeyar
Bahadur G. C. S. I. Mysore.

May it please your Highness.

I the humble petitioner B. Mallappa beg to State as follows

That I Submitted a memorial on the 29th December 1910 & for which I have not been fortunate to receive any order up till now even though a reminder was Submitted on the 3rd April 1911.

That I am actually Starving & I do not know what to do & If your Highness would only pass orders upon my memorial I shall feel happ

Awaiting your Highnesss pleasure..

I beg to Remain
Your most obedient & humble Servan
ಬಿ. ಮಲ್ಲಪ್ಪನ ರುಜು

B. Mallappa
c/o R. Vasudeva Rao
172. Rama Vilasa Agraharam
Mysore
27/4/11

2/2

at

Not issued

Courts File No 163-10
Sl No 6.

61

2891 / 19-5-11

J 3217 with 16 Encls. d 23-5-11.

Endorsement granted to B. Makappa, residing in the Mysore city, in reply to his petitions dated 29-12-1910, addressed to His Highness the Maharaja, the Dewan and the two members of Council respectively, regarding the loss said to have been sustained by the petitioner owing to the alleged mismanagement of his estate by the District Court, Bangalore during his minority.

Petitioner is informed that Govt must disclaim responsibility for the effect of orders passed judicially by Judges.

2. The enclosures to his petitions are herewith returned.

B. O.

For Secy to Govt.

SN (11)

J 3218 d 23/5/11

Copy to the Registrar of the Chief Court of Mysore with reference to his 3654/232 d 10.2.11.

B. O.

For Secy.

SN (11)

J 3219 d 23/5/11.

Copy to the Govt Advocate for information with a copy of the petition.

B. O.

For Secy.

Copied 22/5/11

26-5-11